

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3086

UNITED STATES OF AMERICA,

Appellee,

v.

STEPHEN K. BANNON,

Appellant.

APPELLEE’S MOTION FOR A BRIEFING SCHEDULE

Appellee, the United States of America, respectfully moves the Court to set a briefing schedule in this case. As grounds for this motion, the government states the following.

This is an appeal from defendant Stephen Bannon’s conviction for two counts of contempt of Congress, 2 U.S.C. § 192. Bannon was sentenced on October 21, 2022, to four months’ imprisonment and a \$6,500 fine. He noted an appeal on November 4, 2022. The district court has stayed execution of the sentence pending the appeal.

In the district court, Bannon raised a number of challenges to the prosecution, which were fully litigated by the parties and resolved by the

court. The transcripts of the pretrial, trial, and sentencing proceedings all have been completed and provided to parties—all save one, the transcript of Bannon’s initial appearance on November 15, 2021. See Bannon Transcript Status Report, filed December 7, 2022.

The government respectfully submits that this missing transcript should not further delay this appeal. At his initial appearance, Bannon was arraigned, and the government was advised of its due-process obligations under Fed. R. Crim. P. 5(f). *United States v. Stephen Bannon*, Case No. 1:21-cr-00670-CJN, ECF Minute Entry for Nov. 15, 2021. These ministerial steps do not bear on any of the substantive claims that Bannon raised in the district court and may seek to raise on appeal. The transcript thus does not appear to be “necessary for this appeal,” as the Transcript Status Report form requires. Any unnecessary delay harms the public’s “strong interest in the prompt, effective, and efficient administration of justice.” *United States v. Shepherd*, 102 F.3d 558, 564 (D.C. Cir. 1996) (internal quotation marks and citation omitted). It is time to move forward with briefing in this misdemeanor appeal.

WHEREFORE, the government respectfully requests that the Court set a briefing schedule.

Respectfully submitted,

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United States Attorney

CHRISELLEN R. KOLB
Assistant United States Attorney

/s/

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CERTIFICATE OF COMPLIANCE WITH RULE 27(d)

I HEREBY CERTIFY pursuant to Fed. R. App. P. 32(g) that this motion contains 301 words, and therefore complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). This motion has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface.

/s/

ELIZABETH H. DANELLO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2022, I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon counsel for appellant, David I. Schoen.

/s/

ELIZABETH H. DANELLO
Assistant United States Attorney